

May 5, 1999

To: Directors, All NWS HQS Offices  
Directors, All NWS Regions  
Heads, All NWS Staff Offices

From: W/MB3 - Joseph T. Smith [signed]

Subj: Policy Guidance on Alternative Work Schedules (AWS)

Attached is the NWS guidance on AWS. Please ensure that the use of this guidance also conforms with the requirements of the existing NWS-NWSEO labor agreement in Articles 20 & 21.

Attachment

# **NWS ADMINISTRATIVE POLICY GUIDANCE**

## **SUBJECT: Alternate Work Schedules**

W/MB3:4/99

The following are guidelines for implementing alternate work schedules in NWS elements. These guidelines are in addition to those found in the corresponding articles in the current negotiated labor agreement between the NWS and the National Weather Service Employees Organization (NWSEO).

There are 2 types of alternate work schedules: flexible work schedules (known as flexitime) and compressed work schedules.

### **PART I - FLEXITIME**

**a. Definition.** Flexitime is a term describing several types of work schedules that are flexible in nature. Flexitime combines designated "core hours" of work (hours during which all employees must be on duty) with a "flexible band" of work hours, involving varying degrees of employee choice with regard to workday starting and stopping times.

**b. Eligibility.**

1. NWS Headquarters (NWSH)/D.C. Metro Area. Unless a position requires a specific fixed work schedule, all employees of NWSH (bargaining unit employees, supervisors, managers, team leaders, and SES) who do not work a rotating shift work schedule are eligible to work a flexitime schedule. The schedules of employees working rotating shifts are fixed and are not covered by Part I, dedicated to NWS flexitime guidance.

2. NWS Regions, NCEP. NWSTC & NDBC. Making the decision on the application of flexitime to a position or groups of positions, or within an organizational work unit, is accomplished on a case-by-case basis, based on the judgment and approval of the supervisor in partnership with the applicable NWSEO representative. Flexitime is encouraged for non-rotating shift employees. It may be determined by the supervisor that it is not in the interest of the NWS to allow flexitime for some positions.

**c. NWS-NWSEO Labor Agreement.** See Article 21, Section 7.A. of the nationwide labor agreement (dated 1/11/95) for basic procedures relating to flexitime work scheduling for non-rotating shift employees.

**d. Duration.** All flexitime schedules in NWSH involve 5 workdays per workweek, with each workday of an 8½ hour duration (including a ½ hour uncompensated meal break).

**e. Core Hours for Flexitime.** In the Washington, DC area, NOAA policy is that the core hours for flexitime are from 9 a.m. to 3:30 p.m. The flexible bands are from 7 a.m. to 9 a.m., and from 3:30 p.m. to 5:30 p.m. Standard hours of business at NWSH are from 8 a.m. to 4:30 p.m. Field flexitime core hours are established by the Regional Director, the NCEP Director, NWS Training Center Director, and the National Data Buoy Center Director, in partnership with the applicable NWSEO representative.

**f. Available Schedules.** Only 2 types of NWS flexitime schedules are available:

1. Flexitour - With flexitour, employees and/or NWSEO representatives work with their supervisors to establish the 8½ hour daily tour of duty, which may differ from the standard hours of business. Once established, the 8½ hour flexitour becomes an employee's new tour of duty. In assessing the hours of duty proposed for a flexitour schedule for an employee or groups of employees, supervisors must consider the typical business flow and the hours of activities conducted in the work unit, as well as the need for coverage beyond the standard business hours (e.g., to respond to matters of concern at higher headquarters levels). Supervisors may suggest alternative flexitour hours of duty to employees through the applicable NWSEO representative.

Once a flexitour is jointly established, employees will work this tour of duty normally, and may "flex" their hours of duty up to one ½ hour from the established flexitour without prior approval or consultation with their supervisor. Employees and/or NWSEO representatives may jointly readjust established flexitour schedules in consultation with their supervisors.

2. Gliding Schedules - With gliding schedules, employees determine the starting and ending time to their 8½ hour daily tour of duty each day without prior approval or consultation with the supervisor. Because of the requirements of many positions, NWS employees wishing to use this option must obtain the agreement of their supervisor to work a gliding flexitime schedule.

**g. Overtime.** As with standard workweek schedules, overtime work with flexitime schedules is any work that is **required and approved in advance by the supervisor** that is in excess of the scheduled 8 hours of work per work day and/or 40 hours of work scheduled in the workweek. Adjustments made in the tour of duty for flexitime purposes merely change the starting and ending times of the daily tour of duty. Overtime work is more than 8 hours of work per workday and/or 40 hours of work per workweek regardless of the tour of duty. With flexitime, all aspects of the Fair Labor Standards Act (FLSA) apply for those employees who are covered (non-exempt) by the FLSA. Overtime compensation may be in the form of overtime pay or compensatory time.

**h. Credit Hours.** Credit hours are hours worked beyond the 8 hours of work per workday and/or 40 hours per workweek that are **determined by and worked at the election of the employee.** Credit hours are not overtime hours because they are not required by the agency and are worked by an employee for the sole purpose of offsetting an equal amount of time off in another workday. In accordance with DOC regulations, no more than 24 credit hours can be carried over per pay period. Because they are not overtime hours, the only time credit hours are compensable is in the case of an employee leaving his/her employment with the NWS/NOAA. As with the use of leave and compensatory time, the use of credit hours is subject to the requirements of the organizational unit. In partnership with the applicable NWSEO representative, supervisors may request the use of credit hours at a time other than that requested by the employee.

## **PART II - COMPRESSED WORK SCHEDULES (CWS)**

**a. Definition.** CWSs are work schedules that complete the work requirement for 80 hours of work per pay period in fewer than 10 workdays. CWSs are **fixed work schedules** with regard to the starting and stopping times for each workday and with regard to the pattern and/or number of days/hours on or off within the biweekly pay period. CWSs cannot be mixed with flexitime schedules.

**b. Available Compressed Work Schedules.** There are 2 primary models of CWS available in the NWS:

1. **5-4-9 Schedule** - Within a pay period, one workweek is comprised of five 9-hour workdays and one workweek is comprised of three 9-hour workdays and one 8-hour workday, with one day off, for a total of 80 hours of work in 9 workdays. In every pay period, the "day off" must be scheduled.

2. 4/10 Schedule - Each of the 2 workweeks of a pay period contain four 10-hour workdays, for a total of 80 hours of work in 8 workdays. In each workweek, the "day off" must be scheduled.

**c. Eligibility - Bargaining Unit Employees.** Making the decision on the application of CWS principles to a specific position or groups of positions, or within an organizational work unit, is accomplished on a case-by-case basis. There will be some cases where, in the judgment of the supervisor, it is not in the interest of the NWS to allow the implementation of a CWS. Approval/disapproval procedures for bargaining unit CWSs are outlined in Articles 20 and 21 of the current labor agreement.

Some of the factors considered by NWS supervisors and managers in the decision to approve/deny a proposed CWS are:

- i) The costs and benefits of the proposed CWS;
- ii) The effect of the CWS on the performance, productivity, or output of the work unit;
- iii) The ability to cover the expected working hours of the work unit while working a CWS; and,
- iv) The impact of the CWS on organizational activities of the work unit, such as training, staff meetings, etc.

1.) CWS for Bargaining Unit Employees Who Do Not Work On A Rotating Shift Basis. Unless the functions or requirements of a position or organizational unit (as determined by the supervisor in partnership with the applicable NWSEO representative) preclude a work schedule of less than 10 workdays per pay period, all bargaining unit employees who do not work on a rotating shift basis are eligible to work a 5-4/9 or 4/10 CWS. Article 21, Section 7 of the nationwide labor agreement addresses the basic procedures for CWSs for non-rotating shift unit employees. Except when operational requirements do not allow an employee to leave his/her work area for a meal break, the tour of duty for non-rotating shift employees working a CWS must include a ½ hour uncompensated meal break in addition to the appropriate number of hours of work scheduled.

2.) CWS for Bargaining Unit Employees Who Work On A Rotating Shift Basis. Due to the difficulties of integrating a CWS in work operations with rotating shifts covering 24 hours per day, 7 days per week, all CWSs proposed for rotating shift bargaining unit employees must be approved by the Assistant Administrator (AA) for Weather Services or designee (W/MB3) prior to trial implementation. Article 20, Section 11 of the nationwide labor agreement (1/11/95) addresses the basic procedures for CWSs for rotating shift employees. Variations of the 2 primary CWS models have been approved on a case-by-case basis for unit employees working on a rotating shift basis.

**d. Eligibility - Management (Non-Bargaining Unit) Employees.**

Effective May 9, 1999, CWSs will be available for NWS management staff (SES, supervisors, managers, and team leaders) for a 6-month trial period. Due to the responsibilities of management staff, only the 5-4/9 CWS model is available for management employees approved to work a trial CWS by the Office or Region Director.

The decision on the application of the CWS principles to management positions is accomplished on a case-by-case basis. If, in the judgment of the Office/Region Director, it is not in the interest of the NWS to allow the implementation of a CWS for a particular management employee(s), a trial CWS will not be established. One potential reason for denial of a CWS for management staff would be if office activities or operations cannot be adequately covered using a CWS.

After the 6-month trial period, the effectiveness of CWS for management employees will be evaluated by the AA, in consultation with Office and Regional Directors. Based on that evaluation, the AA will decide: CWSs for management employees may be authorized permanently; an additional trial/evaluation period may be authorized; or, the CWSs may be terminated.

**e. Duration.** CWSs for management and bargaining unit employees must cover 80 work hours in less than 10 workdays each per pay period. All CWSs approved initially are considered as "trial CWSs" implemented for a 6-month trial period.

Trial CWSs for bargaining unit employees must be evaluated after a 6-month trial period based on the factors found in II.c.i through II.c.iv above and the procedures found in Articles 20 and 21 of the negotiated labor agreement. Based on the evaluation, a decision to make the CWS a permanent schedule or to discontinue the CWS based on the negative impact of the CWS on the work unit(s) involved must be made.

Trial CWSs approved for management employees may be terminated by the Office/Region Director at any time during the trial period if there is a negative impact on the activities of the unit involved.

**f. Overtime.** With a CWS, overtime work is any work required and approved in advance by the supervisor in excess of the scheduled hours of work for each scheduled work day and/or 80 hours of work scheduled in the pay period. For example, in a 5-4/9 CWS, overtime work is work in excess of 9 hours of work on the workdays scheduled 9 hours, or in excess of 8 hours of work on the day scheduled for 8 hours of work.

Because of the nature of a CWS, the requirements for overtime eligibility contained in the FLSA (in excess of 8 hours of work per workday, and/or 40 hours of work per workweek) do not necessarily apply to overtime worked with a CWS. However, all overtime worked with a CWS will be compensated at the rate of pay commensurate with the grade and FLSA status determination made about the position. Overtime work may also be compensated by use of compensatory time.

**g. Credit Hours.** Credit hours do not apply to employees working a CWS. All CWS work hours are fixed and hours worked in excess of the scheduled hours of work are considered overtime hours.

APPROVED:

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Irwin T. David  
NWS Chief Financial Officer/  
Chief Administrative Officer

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Date